



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,714	07/14/2000	Mohan Ananda	81045.944	5954
22804	7590	07/17/2007		
THE HECKER LAW GROUP 1925 CENTURY PARK EAST SUITE 2300 LOS ANGELES, CA 90067			EXAMINER GART, MATTHEW S	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/616,714	ANANDA, MOHAN	
	Examiner	Art Unit	
	Matthew S. Gart	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-11, 14-21 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 14-21 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/16/2007 has been entered.

Response to Amendment

The rejection of claims 1-4, 7 and 18-21 under 35 U.S.C. 112, second paragraph is vacated in view of the amendment filed on amendment filed 5/16/2007.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 7, 8-11, 14-21 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The independent claims require reissuing by said vendor server of said merchant content as a web page of said vendor server. However the specification as filed does not provide adequate support for said term "reissuing", nor provide a means to ascertain its scope.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-4, 7, 8-11, 14-21 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "reissuing" is unclear and its scope is uncertain. For purpose of examination, "reissuing" will be interpreted as "reframing."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-11, 15-21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp (U.S. Patent No. 6,263,317) in view of Tobin (U.S. Patent No. 6,141,666).

Referring to claim 1. Sharp discloses a method for providing secure, indirect electronic commerce transactions between a user and multiple merchants comprising:

- Establishing a secure communication link between at least one client computer system and a vendor computer system (Sharp: at least column 3, lines 6-40); and
- Transmitting transaction information to said client computer system from said vendor computer system enabling a user at said client computer system to select for purchase, via said vendor computer system, items listed in a plurality of merchant computer systems without said user having direct access to said merchant computer systems (Sharp: at least column 3, lines 6-40); and
- Receiving at said vendor computer system a first request from a client computer system concerning an item listed on a first of said merchant computer systems (Sharp: column 3, lines 8-12, "The e-commerce website allows the customer to select among a large assortment of products from different manufacturers.").

Sharp does not explicitly disclose modifying responses.

Tobin discloses a method for providing secure transactions comprising:

- Modifying at said vendor computer system said first request from said client computer system to said vendor computer system into a modified request from said vendor computer system to said merchant computer system (Tobin: column 17, "...server means for presenting said HTML documents responsive to requests received by said server means across a network to said client as Web site documents which are at least partially customized in response to an identity of a source which referred said client to said network server...");
- Sending said modified request from said vendor computer system to said merchant computer system (Tobin: Fig. 23);
- Receiving at said vendor computer system from said first merchant computer system a first response to said modified request, said first response comprising a merchant web page comprising one or more hyper-text links (Tobin: Fig. 23);
- Modifying said first response from said merchant computer system to said vendor computer system at said vendor computer system into a modified response from said vendor computer system to said client computer system (Tobin: Fig. 23);
- Wherein said modifying said first response into said modified response comprises:
 - Modifying said one or more hyper-text links in said first response to redirect said one or more hyper-text links from said merchant computer

Art Unit: 3625

system to said vendor computer system (Tobin: column 6, lines 55-67, "The graphic link **102** provides a jump to a Web site page detailing gift suggestions while links **103** to **106** provide jumps to Web site pages detailing specific gift offerings. Essentially, these links **103** to **106** are anchored to database server files which are called up by the server to form Web site pages that are customized to the requirements of any participating Internet site."; and

- Reframing said merchant web page as a web page of said vendor computer system (Tobin: Fig. 23, "HomeArts Flowers & Gifts); and
- Wherein said transmitting said transaction information comprise transmitting said web page of said vendor computer system to said client computer system (Tobin: Fig. 23, "HomeArts Flowers & Gifts).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the teachings of Tobin as discussed because there is a need for customized marketing of consumer services through hypertext based communications wherein the content of the hypertext based communications is dynamically customized to take advantage of a consumer's familiarity with a specific Internet site marketing partner (Tobin: column 2, lines 50-55)

Referring to claim 2. Sharp further discloses a method wherein said transmitting step further comprises:

- Generating a purchase order for said item after said user's selection of said item for purchase via said vendor computer system (Sharp: at least Fig. 3, "Step 315").

Referring to claim 3. Sharp further discloses a method comprising:

- Obtaining payment from said user (Sharp: at least column 3, line 61 to column 4, line 11); and
- Transmitting payment to said first merchant on behalf of said user (Sharp: at least column 4, lines 12-28, "The order is then allocated to a supplier according to a web sales channel conflict resolution protocol specified by the manufacturer in stage 321.").

Referring to claim 4. Sharp further discloses a method wherein said payment is obtained by an operator of said vendor computer system (Sharp: at least column 6, lines 1-35, "Order list page 500 can be used by a human operator of a computer connected to server computer 110, or of server computer 110 itself, to manually allocate orders to suppliers according to a protocol specified by the manufacturer of the product being allocated.").

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claim 1.

Sharp further discloses monitoring an information exchange between said client computer and said plurality of merchant computer systems at said vendor computer system to obtain said transaction information (Sharp: at least column 7, lines 57-65).

Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 10. Sharp further discloses a method wherein said vendor computer system forwards payment to said at least one of said merchant computer system for said at least one of said listed items on behalf of said user (Sharp: at least column 3, line 61 to column 4, line 11).

Referring to claim 11. Sharp further discloses a method wherein said user makes payment to said vendor for said at least one of said listed items (Sharp: at least column 3, line 61 to column 4, line 11).

Referring to claim 15. Sharp in view of Tobin discloses a method according to claim 1 as indicated supra. Tobin further discloses a method wherein said step of modifying responses occurs automatically (Tobin: at least column 3, lines 15-37 and column 5, line 46 to column 6, line 3).

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claim 15.

Referring to claim 17. Claim 17 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 18. Claim 18 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 19. Sharp further discloses a vendor computer system wherein said step of receiving said user request comprises identifying said merchant server from a plurality of possible merchant servers (Sharp: at least Fig. 4, "Allocate by zip code").

Referring to claim 20. Sharp further disclose a vendor computer system wherein said user request is an order request, and said step of modifying said user request into a vendor request to said merchant server comprises inserting user order information into said order request (Sharp: at least Figure 3).

Referring to claim 21. Claim 21 is rejected under the same rationale as set forth above in claim 1.

Art Unit: 3625

Referring to claim 38. Claim 38 is rejected under the same rationale as set forth above in claim 1.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp (U.S. Patent No. 6,263,317) in view of Tobin (U.S. Patent No. 6,141,666) in further view of Ferguson (U.S. Patent No. 5,966,697).

Referring to claim 7. Sharp in view of Tobin discloses a method according to claim 1 as indicated supra. Sharp does not expressly disclose a method wherein said step of transmitting transaction information further comprises:

- Displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection; and
- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, in response to said user selection of at least one of said one or more icons.

Ferguson discloses a method wherein said step of transmitting transaction information further comprises:

- Displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection (Ferguson: at least column 7, line 62 to column 8, line 6); and
- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, in response to said user selection of at least one of said one or more icons (Ferguson: column 7, line 62 to column 8, line 6).

Art Unit: 3625

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp in view of Tobin to have included the teachings of Fergerson as discussed above in order to provide a system and method for shopping at a variety of different vendors easily and securely (Fergerson: column 2, lines 15-26).

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claim 7.

Response to Arguments

Applicant's arguments filed 11/06/2006 have been fully considered but they are not persuasive.

The applicant argues that Tobin does not teach modifying web pages of a merchant system by a vendor system into web pages of a vendor system as claims in the claims.

The Examiner notes, Tobin discloses a system for dynamically presenting HTML documents that are customized with content. Tobin further discloses a server means for presenting HTML documents responsive to requests received by said server means across a network to said client as Web site documents which are at least partially customized in response to an identity of a source which referred said client to said network server.

The Examiner further notes, Fig. 1A of Tobin shows a schematic of a typical communications network **10** including single client stations **13** and **18**. Server **21** is a PC Flower & Gifts Web server (i.e., vendor computer system). Server **21** is the host of an Internet site providing Web site pages that are dynamically customized (Tobin: column 5, lines 19-30). To implement the dynamic customization process, every HTML page is read in by server **21** and output back to the user. As the pages are output, the site "token" can be appended as a parameter to all of the links (at the vendor computer system). When the user selects these modified links, the page being referenced is read in by the vendor computer system and output back to the user (Tobin: column 10, lines

57-64). Therefore Tobin is doing more than dynamically generating customized copies of its own web page, Tobin is reading in pages and outing modified pages back to the user.

The Applicant argues that, in Tobin, the purchase transaction take place directly between the client and the merchant, and this is the opposite of the claimed invention, in which purchase transactions take place directly between the client and the vendor.

The Examiner notes, Sharp not Tobin was relied on to show this feature. Sharp discloses a method comprising transmitting transaction information to said client computer system from said vendor computer system enabling a user at said client computer system to select for purchase, via said vendor computer system, items listed in a plurality of merchant computer systems without said user having direct access to said merchant computer systems (Sharp: at least column 3, lines 6-40).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Applicant argues that Tobin does not teach a vendor computer system modifying a request received from a client into a request from the vendor computer

Art Unit: 3625

system to the merchant system, so that the merchant system interacts only with the vendor system, not the client.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The only aspect of the claimed invention that related to indirect electronic commerce is found in the preamble. Furthermore Sharp was relied upon to show this feature. Sharp is capable of performing the intended use as recited in the preamble, and meets the claim. See, e.g., *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Primary Examiner
July 9, 2006


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600